

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In Re Application of:

Sheldon H. Foss Jr. *et al.*

Confirmation No.: 8917

Group Art Unit: 3684

Serial No.: 10/646,150

Examiner: Elizabeth Rosen

Filed: 08/22/2003

Docket No.: 03102.1020

For: **System and Method for Dynamically Managing a Financial Account**

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Sir:

Honorable Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

The Notice of Non-Compliant Appeal Brief under 37 C.F.R. §41.37 ("Notice") mailed December 3, 2010 has been carefully considered. In response, the Appellant submits this Response.

REMARKS

This is a full and timely response to the outstanding Notice mailed December 3, 2010. The Notice alleges that the Appeal Brief submitted on November 23, 2010 is defective because the Appeal Brief does not contain a concise explanation of the subject matter defined in independent claims 11 and 21 with reference to the specification by page, line number, or drawings. In response, the Appellant submits the following supplements to Sections V(b) and V(c) of the “Summary of Claimed Subject Matter”. As indicated in the Notice, only these corrected portions of the Appeal Brief have been submitted. The Appellant respectfully submits that these supplemental descriptions of the subject matter of independent claims 11 and 21 fully comply with the requirements of 37 CFR 41.37.

V. SUMMARY OF CLAIMED SUBJECT MATTER

B. Independent Claim 11

An embodiment of a method for managing financial accounts is recited in claim 11. The method comprises various steps performed by a processing system. The processing system (200) aggregates (data aggregation module 252) transaction data regarding a plurality of existing financial accounts for a plurality of existing customers. The transaction data is received by the processing system (200) via a financial transaction network (255). The processing system (200) modifies (account management component 240) services provided to one of the existing customers associated with at least one of the existing financial accounts, via the financial transaction network (255), based on the aggregated transaction data from the plurality of existing financial accounts by changing account data associated with the corresponding financial account. The processing system (200) modifies (decision engine 220) stored underwriting criteria (222)

applied by the processing system (200) for qualifying new financial accounts based on the aggregated transaction data from the plurality of existing financial accounts.

The subject matter of claim 11 is illustrated in at least FIG. 2 of the specification, as well as the drawings provided on Pages 17 – 21 of the provisional patent application to which the present application claims priority and, therefore, is incorporated by reference by law. The subject matter of claim 11 is further described in the specification at least in Page 3, line 4 – Page 8, line 12, as well as Paragraphs 1 – 3 on Page 17 of the provisional patent application.

The recitation of “a processing system” for performing the recited steps is specifically described and illustrated on Page 17 of the provisional patent application. Under the heading “Preliminary Patent Definitions”, the description clearly states that “[t]he [inventors’] system is a collection of integrated computer softwares and proprietary algorithms, methods of work, business processes, and risk models” that perform the various features and functions of the invention. The illustration clearly shows that the functions (represented as boxes in the system) interface with a processing system. The additional drawings on Pages 18 – 21 illustrate further embodiments of computer software and algorithms for implementing the inventive system. Notably, the drawing on Page 18 of the provisional patent application includes the same subject matter (software components) as FIG. 2 of the specification: the data collection component (210), the decision engine (220), the account creation component (230), the account management component (240), the transactional processing component (250), and the data aggregation module (252). Moreover, the drawing on Page 19 illustrates a computer terminal connected to a backend processing system and databases via the Internet, further evidence of a processing system for performing the embodiments of the inventive functions.

Further support for the recitation “a processing system” is found in the following sections of the specification:

(1) Page 3, ll. 10 – 16 clearly states that the present invention may be utilized in Stored Value Systems currently deployed by credit card processing systems, and that the features and aspects of the present invention can be ported into a variety of systems and system/network configurations. A person skilled in the art would readily recognize that such systems include a processing system for performing the various features embodied in software.

(2) FIG. 2 clearly illustrates that the various functional components are tied to a financial transaction network, and the specification states that the functional components comprise structures (Page 4, ll. 17 – 20). A person skilled in the art would readily recognize that the functional components in association with a financial transaction network may be performed by a processing system.

(3) Page 2 of the provisional application states that “[a]spects of the present invention are based on the Stored Value Card Systems that are currently deployed by several credit card companies” (including those described at the cited URL on Visa’s website) and that “[t]he present invention provides a customization or modification to such systems.” A person skilled in the art would readily recognize that such systems include a processing system for performing the various features embodied in software.

(4) Page 1 of the appendix to the provisional application states that “a Visa branded transaction card ... will provide all of the transactional functionality of a Visa branded card but will be funded from the account owner’s personal funds.” A person skilled in the art would readily recognize that such transactional functionality may be provided by a processing system for performing various features embodied in software.

(5) Pages 3 – 6 of the appendix to the provisional application describe systems requirements for embodiments of the invention including “web application requirements” and “back-office requirements” that may vary based on “processor methodology.” A person skilled in the art would readily recognize that the web application, back-office components, and processor methodologies would include a processing system for performing the various described features.

The Appellant submits that each of the steps recited in claim 11 are clearly described in the specification with reference to corresponding software components at Page 4, line 12 – Page 8, line 12. Due to the interrelationship between the software components and the fact that data is processed by and passed between the various software components (as illustrated by the interfaces between the boxes representing the components), various aspects of each component and the steps performed by each component are described with reference to other components. Nonetheless, further support for each component and the corresponding function(s) and/or step(s) are provided with reference to specific portions of the specification.

The step of aggregating transaction data is described in the specification in connection with the data aggregation module (252), the transactional processing component (250), and the financial transaction network (255). The functions and/or steps performed by the transactional processing component (250) and the financial transaction network (255) are described in the specification at least at Page 6, ll. 22 – 29. The functions and/or steps performed by the data aggregation module (252) are described at least at Page 6, line 26 – Page 7, line 25. The step of modifying services provided to one of the existing customers based on the aggregated transaction data is described in the specification in connection with the account management component (240). The functions and/or steps performed by the account management component (240) are

described at least at Page 6, ll. 1 – 17 and Page 6, line 30 – Page 7, line 3. The step of modifying stored underwriting criteria for qualifying new financial accounts based on the aggregated transaction data is described in the specification in connection with decision engine (220), underwriting criteria (222), and risk models (224). The functions performed by the decision engine (220), the underwriting criteria (222), and risk models (224) are described at least at Page 5, ll. 1 – 16.

C. Independent Claim 21

An embodiment of a computer system for managing financial accounts is recited in claim 21. The computer system (200) comprises a processing system configured to execute a plurality of integrated computer software components for underwriting and establishing a new financial account for a new customer and managing a plurality of existing financial accounts for a plurality of existing customers. The integrated computer software components comprise an account management component (240), a transactional processing component (250), a data collection component (210), a decision engine (220), an account creation component (230), and a data aggregation module (252). The account management component (240) is configured to manage account data associated with a plurality of existing financial accounts. The transactional processing component (250) is configured to process and monitor transactions between the plurality of existing financial accounts and a financial transaction network (255). The data collection component (210) is configured to receive account information for a new financial account. The decision engine (220) is configured to qualify the new financial account based on underwriting criteria and the account information. The account creation component (230) is configured to establish the qualified account based on the account information. The data

aggregation module (252) is in communication with the transactional processing component (250), the account management component (240), and the decision engine (220). The data aggregation module (252) is configured to process transaction data from the plurality of existing customers received from the transactional processing component (250) and provide feedback information related to the processed transaction data to the account management component (240) and the decision engine (220) for altering the underwriting criteria (222) for qualifying further new financial accounts and altering the account data associated with at least one of the existing financial accounts.

The subject matter of claim 21 is illustrated in at least FIG. 2 of the specification, as well as the drawings provided on Pages 17 – 21 of the provisional patent application to which the present application claims priority and, therefore, is incorporated by reference by law. The subject matter of claim 21 is described in the specification at least in Page 3, line 4 – Page 8, line 12, as well as Paragraphs 1 – 3 on Page 17 of the provisional patent application.

The recitation of “a processing system configured to execute a plurality of integrated computer software components” is specifically described and illustrated on Page 17 of the provisional patent application. Under the heading “Preliminary Patent Definitions”, the description clearly states that “[t]he [inventors'] system is a collection of integrated computer softwares and proprietary algorithms, methods of work, business processes, and risk models” that perform the various features and functions of the invention. The illustration clearly shows that the functions (represented as boxes in the system) interface with a processing system. The additional drawings on Pages 18 – 21 illustrate further embodiments of computer software and algorithms for implementing the inventive system. Notably, the drawing on Page 18 of the provisional patent application includes the same subject matter (software components) as FIG. 2

of the specification: the data collection component (210), the decision engine (220), the account creation component (230), the account management component (240), the transactional processing component (250), and the data aggregation module (252). Moreover, the drawing on Page 19 illustrates a computer terminal connected to a backend processing system and databases via the Internet, further evidence of a processing system for performing the embodiments of the inventive functions.

Further support for the recitation “a processing system configured to execute a plurality of integrated computer software components” is found in the following sections of the specification:

(1) Page 3, ll. 10 – 16 clearly states that the present invention may be utilized in Stored Value Systems currently deployed by credit card processing systems, and that the features and aspects of the present invention can be ported into a variety of systems and system/network configurations. A person skilled in the art would readily recognize that such systems include a processing system for performing the various features embodied in software.

(2) FIG. 2 clearly illustrates that the various functional components are tied to a financial transaction network, and the specification states that the functional components comprise structures (Page 4, ll. 17 – 20). A person skilled in the art would readily recognize that the functional components in association with a financial transaction network may be performed by a processing system.

(3) Page 2 of the provisional application states that “[a]spects of the present invention are based on the Stored Value Card Systems that are currently deployed by several credit card companies” (including those described at the cited URL on Visa’s website) and that “[t]he present invention provides a customization or modification to such systems.” A person skilled in

the art would readily recognize that such systems include a processing system for performing the various features embodied in software.

(4) Page 1 of the appendix to the provisional application states that “a Visa branded transaction card ... will provide all of the transactional functionality of a Visa branded card but will be funded from the account owner’s personal funds.” A person skilled in the art would readily recognize that such transactional functionality may be provided by a processing system for performing various features embodied in software.

(5) Pages 3 – 6 of the appendix to the provisional application describe systems requirements for embodiments of the invention including “web application requirements” and “back-office requirements” that may vary based on “processor methodology.” A person skilled in the art would readily recognize that the web application, back-office components, and processor methodologies would include a processing system for performing the various described features.

The Appellant submits that each of the integrated software components recited in claim 1 are clearly described in the specification at Page 4, line 12 – Page 8, line 12. Due to the interrelationship between the software components and the fact that data is processed by and passed between the various software components (as illustrated by the interfaces between the boxes representing the components), various aspects of each component are described with reference to other components. Nonetheless, further support for each component is provided with reference to specific portions of the specification. The functions performed by the data collection component (210) are described at least at Page 4, ll. 20 – 33. The functions performed by the decision engine (220) are described at least at Page 5, ll. 1 – 16. The functions performed by the account creation component (230) are described at least at Page 5, ll. 17 – 32. The

function performed by the account management component (240) are described at least at Page 6, ll. 1 – 17 and Page 6, line 30 – Page 7, line 3. The functions performed by the transactional processing component (250) are described at least at Page 6, ll. 22 – 29. The functions performed by the data aggregation module (252) are described at least at Page 6, line 26 – Page 7, line 25.

CONCLUSION

The Appellant respectfully submits that the Appeal Brief submitted November 23, 2010, as supplemented by the above corrections to Sections V(b) and V(c), fully complies with the requirements of 37 CFR 41.37. The Appellant respectfully requests that the Appeal Brief be considered.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence, including any items indicated as attached or included, is being electronically submitted to the United States Patent & Trademark Office via the Electronic Filing System (EFS-WEB) on the date indicated below.

Date: January 2, 2011

/Adam E. Crall/

Signature